

**MINUTES OF HISTORICAL ADVISORY BOARD
REGULAR MEETING OF THURSDAY, OCTOBER 6, 2005
COUNCIL CHAMBERS, CITY HALL
2263 SANTA CLARA AVENUE – 7:00 PM**

Chair Anderson called the meeting to order at 7:02 pm. Secretary Eliason called the roll.

MEMBERS PRESENT: Chair Anderson, Vice-Chair Miller, Board Members Lynch & Tilos.

MEMBERS ABSENT: None.

STAFF PRESENT: Secretary Eliason, Andrew Thomas, Supervising Planner, Emily Pudell, Planner II, Elizabeth Johnson, DSD, Debbie Gremminger, Recording Secretary.

MINUTES:

M/S (Lynch, Miller) to approve the minutes of the regular meeting of August 4, 2005. 3-0-1.

Ayes: 3; Noes: 0; Abstain: 1 (Tilos); Motion carries.

M/S (Tilos, Lynch) to approve the minutes of the regular meeting of September 1, 2005. 3-0-1.

Ayes: 3; Noes: 0; Absent: 1 (Anderson); Motion carries.

AGENDA CHANGES AND DISCUSSIONS:

None.

ACTION ITEMS

1. Appointment of a Historical Advisory Board member to the Transportation Subcommittee. *(Continued from the 9-1-05 mtg.)*

This item will be continued to the November 3, 2005 meeting when a full Board is present.

2. CA05-0027 - Certificate of Approval - 2255 Clinton Avenue –Applicant: Dan Thebeau - The applicant is requesting a Certificate of Approval to alter more than thirty percent (30%) of the historic structure, located at the above address, for the purposes of converting the existing triplex to a single-family dwelling. The site is located at 2255 Clinton Ave. within the R-4, Neighborhood Residential Zoning District.

Emily Pudell presented staff report. She informed the Board that the applicant received Design Review approval on August 17, 2005 and building permits have been issued. During the Minutes of October 6, 2005
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construction process, dry-rot was discovered in the front bay window. The siding and trim boards were removed and set aside. Because the repair of the bay window was not specifically identified in the Design Review application or building permits, and because the project was approaching the 30% threshold for demolition, staff informed the applicant he must stop-work and apply for a Certificate of Approval. The applicant has also identified that the front staircase would also be repaired "in-kind".

Staff recommends the Board approve the Certificate of Approval CA05-0027, for the partial demolition of an existing dwelling at 2255 Clinton Ave with conditions as stated in draft Resolution.

Chair Anderson opened the public hearing.

Norman Sanchez, architect, spoke on behalf of the applicant. He informed the Board that the goal is to convert the existing triplex to a single-family residence while preserving the architecture character of the house.

There were no more speaker slips. Chair Anderson closed the Public hearing and opened the floor to Board discussion.

Board Member Lynch is in favor of approving the project, but has concerns with the replacement of front stairs.

Chair Anderson is also in favor of approving the project, with the added condition that the posts and handrails be replaced with materials that are reminiscent of the building's original architecture.

In response to Board Member Tilos question if the Housing Authority has any objections to changing a triplex to a single family dwelling, Ms. Eliason stated that the Housing Authority does not have jurisdiction over non-public housing properties and that the triplex was not legal.

M/S (Tilos, Lynch) to approve Certificate of Approval CA05-0027 for the partial demolition of an existing dwelling at 2255 Clinton Avenue with conditions as stated in the draft Resolution, with the added condition that the front staircase, including the handrails, balusters, and newel posts, shall be replaced with materials that are reminiscent of the building's original architecture and shall be similar in appearance to those found on the landing portion of the front staircase. The design of the staircase shall be approved by Planning Division staff. 4-0-0.

Ayes: 4; Noes: 0; Absent: 0. Motion carries.

REPORTS:

3. Update on the NAS Alameda Historic District - Presentation and Discussion of the Preliminary Development Concept Process for Alameda Point.

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Elizabeth Johnson, Development Services, presented staff report. She informed the Board of the two public processes currently underway that involve historic properties at Alameda Point. First is the development of the City's Preliminary Development Concept (PDC), which informs the public of potential trade-offs between historic preservation and viable redevelopment of the former Naval Air Station. The second process is the re-initiation of consultation under Section 106 of the National Historic Preservation Act between the Navy, the Advisory Council for Historic Preservation, and the State Historic Preservation Officer. There have been a total of six community meetings to gain input from residents of Alameda. Historic preservation was identified as a critical issue for discussion at each meeting.

One of the major items the Navy is responsible for under the MOA is the nomination of the NAS Historic District to the National Register. The Navy is currently contracting a qualified consultant to complete this task. The Navy anticipates that preparing the nomination and submitting it through the Secretary of the Interior's process will take up to two years. The HAB will then have a chance to review the Navy's nomination. After reviewing the information and studies conducted by the Navy, and National Register's nomination, the Board may consider whether any additional structures that have not been determined to be eligible for the National Register, are eligible for listing on the City of Alameda Historic Building Study List or Historic Monument List.

Chair Anderson opened the public hearing.

Elizabeth Krase, AAPS, expressed her concern with waiting two years. She stated that AAPS has already met and discussed this issue with the Navy and they have no objections to the City listing any structures on the Study List prior to their National Register nomination.

Birgitt Evans, AAPS, is also not in favor of waiting to list the structures. She would like to reiterate that AAPS has already done research on these buildings and can assist staff on further research if necessary. She would like to see this item on a future agenda as an action item.

There was no more speaker slips submitted. Chair Anderson closed the public hearing and opened the floor to Board discussion.

Board Member Lynch would prefer not to wait for the Navy. She stated that AAPS has already done extensive research on the buildings and would like to proceed with listing the properties they recommended in their letter submitted to the Board.

Ms. Johnson informed the Board that the reason that Staff is recommending waiting for the Navy's nomination is because the Navy is already funding the cost for the consultant. Mr. Thomas added that there is no need to rush to list any buildings, because there will not be any demolition until the CEQA process is completed.

Ms. Eliason stated that currently there aren't any individual buildings located at Alameda Point listed on our study list. Alameda Point is designated as a Historic District with contributing structures.

Vice-Chair Miller approves of Staff's recommendations.

Board Member Tilos stated that since the City does not own the property yet, it would be a waste of time to list any structures.

Chair Anderson recommended that the Board accept the staff recommendations, but with the revision that we not wait to add the structures the Board feels are eligible for listing on the City's Historical Building Study List. She would like to enlist the services of AAPS to help staff with the research needed.

Ms. Eliason stated that Staff can provide Board updates as they move forward, but due to current work loads in the Planning and Building Department, staff cannot commit to a date certain.

M/S (Lynch, Anderson) to accept staff's first two recommendations and amend the third by proceeding with listing eligible buildings to the City Historical Building Study List. (3-1-0).

Ayes: 3; Noes: 1 (Miller); Absent: 0; Motion carries.

4. Workshop on possible changes to the Historical Preservation Ordinance.

Ms. Eliason presented staff report. In 2002, the Historical Advisory Board held several workshops and public hearings regarding revisions to the Historical Preservation Ordinance, which primarily focused on the Interim Review Section of the Ordinance. The HAB recommended that any building built prior to 1942 must first obtain a Certificate of Approval from the HAB prior to demolishing more than 30% of the structure. The City Council adopted the recommended revisions made by the HAB in 2003.

Since that time, implementation of the Ordinance has resulted in identifying a few areas of concern, particularly relating to penalties and enforcement sections. Staff would like direction from the Board on several sections of the Ordinance.

First area of concern is the definition of demolition. Currently the Ordinance reads: "*Demolition shall mean the removal within a five (5) year period of more than thirty (30%) percent of the value of any designated structure or building, as determined by the Building Official.*" The problem with this definition is that valuation has nothing to do with saving the character-defining elements of a structure.

In most recent cases, once a building permit has been issued and demolition begins, the contractor has run into wood rot or other damage that must be removed. It is the natural inclination to simply remove that wood without consideration of the historical implications. A

demolition that was first assessed at less than 30% of value may unintentionally grow into a larger demolition without knowledge that additional approvals are required.

There are also areas of concern in the Penalties section of the Ordinance. In the recent months there have been several unauthorized demolitions that have come before this Board. Currently the Ordinance only provides one remedy for each type of unauthorized demolitions. For example, pre-1942 unauthorized demolitions are only a violation of the Alameda Municipal Code, which would result in the issuance of an administrative citation or fine. This inflexibility regarding penalties provides no administrative relief nor does it allow for extenuating circumstances regarding individual situations. In some cases, the penalty may be too harsh and in other cases it may not be enough.

Other areas of concern are the section on Historic signs and the penalty, or lack thereof, for unauthorized removal of protected Oak trees.

Staff is requesting the Board review the options provided by in the staff report and submit their comments and recommendations. Staff will then create a revised ordinance and seek HAB recommendations to the City Council for approval around the first of the year.

Chair Anderson opened the public hearing.

Birgitt Evans, AAPS, spoke in favor of revising the Ordinance. She stated the current Ordinance limits the Board's ability to impose conditions of approval on Certificates of Approval. Also the penalties are too limited. She agrees with Board Member Miller statement at the previous hearing regarding 616 Pacific Ave. *"Why do we have a moratorium, if it is not imposed."* She agrees with AAPS's recommendations regarding different penalty options.

Nancy Hird, AAPS, is concerned with the 5 year stay of building permits. What would happen if the property changes ownership within those five years?

Dick Rutter, AAPS, stated his concerns that once dry rot is discovered, the initial scope of work can change. Staff should provide better documentation to contractors and home owners regarding what should be done on pre-1942 houses that are on the border line of demolishing more than 30%. The current definition of 30 % of value does not work.

Ms. Eliason informed the Board that all pre-1942 submittals are now being stamped in big red letters informing the applicant of the Certificate of Approval process and the 30% demolition rule.

There were no more speaker slips. Chair Anderson closed the public hearing and opened the floor to Board discussion

Board Member Lynch agrees that there should be more options for imposing penalties.

Chair Anderson recommended that the HAB be informed of all permits issued on pre-1942 buildings, not just the demolitions. Too many applications are coming before this Board *"after-the-fact"*. She stated that there is a disconnect between the design review process and the Certificate of Approval process.

Vice-Chair Miller stated that previously they were informed by the City Attorney's office that design was not the purview of the HAB.

Board Member Lynch stated that in the AMC it states that they are able to look at proposed design of new buildings as well as historic ones, to determine whether the proposed new design is compatible with the surrounding areas. She would also like to see a better definition of demolition.

In response to Board Member Tilos question regarding who determines if demolition is exceeding 30 %, Ms. Eliason responded that the Building Official makes the determination.

Chair Anderson would like to be informed of all application submittals, prior to any permits issued on pre-1942 structures, so that the HAB may look at the scope of work, such as window replacements. The HAB needs to be in the loop early on. She would like staff to provide the Board a list on a regular basis of all project submittals.

Staff has noted the Boards recommendations.

WRITTEN COMMUNICATIONS: (Discussion only)

Staff has provided the Board with a copy of Resolution HAB-05-27. Staff also provided a copy of an Off-Agenda report from the City Manager regarding a Community Needs Survey for their information.

ORAL COMMUNICATIONS:

Board Member Lynch would like certain districts of Alameda designated as Historic Districts beginning with Leonardville, followed by Park Ave. ~~Station~~, Bay Station, and Burbank-Portola ~~Station~~. Staff noted her request.

Board Member Miller asked Staff what would have happened to the approved Design Review permit if the City Council denied the appeal of 616 Pacific Ave. Ms. Eliason stated that the applicant would of had to submit a landscape plan to the Planning & Building Director. After the five year stay was over, a new Design Review application would need to be submitted.

STAFF COMMUNICATION:

The Mayor has not nominated anyone to fill the vacant seat on this Board.

ADJOURNMENT:

M/S (Lynch, Tilos) to adjourn meeting at 8:35 pm.

Respectfully Submitted by:

Cynthia Eliason,
Secretary, Historical Advisory Board

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